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10/596,869	06/28/2006	Gerardus Henricus Broeksteeg	NL040047	1721

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EXAMINER	
ZAHR, ASHRAF A	
ART UNIT	PAPER NUMBER
2179	
MAIL DATE	DELIVERY MODE
02/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,869	BROEKSTEEG, GERARDUS HENRICUS	
	Examiner	Art Unit	
	Ashraf Zahr	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *04 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/19/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is the second action on the merits for application number 10/596,869. Claims 1-13 are pending.

Response to Amendment

Specification

2. The amendment to the abstract has been received and accepted. However, applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, the examiner is maintaining this objection.

Response to Arguments

Claim Rejections - 35 USC § 101

3. Applicant's arguments, see Remarks, filed 12/4/2007, with respect to the 35 USC 101 rejections of claims 1-6 have been fully considered and are persuasive. The 35 USC 101 rejections of claims 1-6 have been withdrawn.

Claim Rejections - 35 USC § 102

4. Applicant argues in regard claim 1 and uses the same reasoning to argue in regard to claim 7, "Balnaves fails to teach or suggest many of Applicant's features recited in claim 1. For example, claim 1 recites "positioning a pointer between a range start point and a range end point" and "dividing the range into a first sub range and a second sub range, the first sub range. comprising the data from the range start point to the pointer, the second sub range comprising the data from the pointer to the range end point" (emphasis added)"

Applicant's claim one does not recite "positioning a pointer between a range start point and a range end point". The actual claim language is "selecting a range by positioning a pointer between a range start point and a range end point". Balnaves clearly discloses this in Fig 6A. The range selected by positioning a pointer is the entire dark area made up of node 610 and 611, selected by the pointer divided into two sub ranges 606 and 607. Therefore, the examiner respectfully disagrees with the applicant.

5. Applicant also argues in regard claim 1 and uses the same reasoning to argue in regard to claim 7, "In addition, applicant's claim 1 recites: "if the pointer is in a range of unmarked data and a first function is selected, unmarking the first sub range and marking the second sub range, and if the pointer is in a range of marked data and a second function is selected, marking the first sub range and unmarking the second sub range" and "It is alleged in the Office Action that these features are described by Balnaves at col. 13, lines 25-45. However, nowhere does Balnaves teach or even suggest the features recited in claim 1. The cited section of Balnaves describes determining or defining the zones of interest around the indicated point 605. Additionally, Balnaves generally states that templates may be defined for alteration or selection of parameters or algorithms or rules. Col. 13, lines 45-47 describes that particular templates must be selected with desired characteristics and applied to clips. However, utilizing templates is completely different from applicant's claimed invention".

The claims do not state how the functions of marking and unmarking are performed, they only state that they are performed. The templates described by Balnaves are merely functions that can be performed on the data. Furthermore, the user may indicate a point or approval or disapproval, and this point information may be inferred to indicated an entire segment of the output production, said segment typically being extrapolated from said point by means of finding the nearest forward and backward content boundaries (transitions) or effects, or by applying a heuristically determined timestep forward and backward

from 625 (Balnaves, col 13, ln 30-40). Therefore, the examiner respectfully disagrees with the applicant.

6. Applicant also argues in regard to claim 6, " Independent claim 6 recites "moving a pointer to a first position in the representation, executing an expand function for marking the part of the program extending from the first position to the end of the representation, moving the pointer to a second position in the marked part of the program, executing a truncate function for defining as not marked the part of the program extending from the second position to the end of the representation" (emphasis added)" and

"After a review of Balnaves it is clear that the claimed features are not found or suggested. Balnaves simply positions the pointer at a point of interest. Thus, the rejection of independent claim 6 is not supported and should be withdrawn."

Balnaves discloses the user may indicate a point or approval or disapproval, and this point information may be inferred to indicated an entire segment of the output production, said segment typically being extrapolated from said point by means of finding the nearest forward and backward content boundaries (transitions) or effects, or by applying a heuristically determined timestep forward and backward from 625 (Balnaves, col 13, ln 30-40). Therefore, the examiner respectfully disagrees with the applicant.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Balnaves et al., US 6,954,894 (Hereinafter, Balnaves).

Regarding Claim 1, Balnaves discloses a "method of marking one or more parts of a recorded data sequence". Specifically, Balnaves taking media input mapping it to a temporal structure (Balnaves, Fig 1) and marking it (Balnaves, Fig 6B).

Balnaves also discloses, "displaying a representation of the recorded data sequence". Specifically, Balnaves shows a display representation in Fig 6A-B (Balnaves, Fig 6A-B). Furthermore, Balnaves discloses a video display to display the representation of the recorded sequence (Balnaves, Fig 7: node 704).

Balnaves also discloses, "selecting a range of data by positioning a pointer between a range start point and a range end point" (Fig. 6A).

Balnaves also discloses, "dividing the range in a first sub range and a second sub range" (Fig 6A: node 606-607).

Balnaves also discloses, "the first sub range comprising the data from the range start point to the pointer" (Fig 6A: node 606).

Balnaves also discloses, "the second sub range comprising the data from the pointer to the range end point", (Fig 6A: node 607).

Balnaves also discloses, "if the pointer is in a range of unmarked data and a first function is selected, unmarking the first sub range and marking the second sub range". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Balnaves also discloses, "if the pointer is in a range of marked data and a second function is selected, marking the first sub range and unmarking the second sub range". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such

as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Regarding Claim 2, Balnaves also discloses, "method according to claim 1, further comprising inverting marked and unmarked sub ranges if the first or second function is selected a second time with the pointer at the same position as a first time". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Regarding Claim 3, Balnaves also discloses, "method according to claim 2, further comprising marking both sub ranges when the first or second function is selected a third time with the pointer at the same position as the first and second time". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the

template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Regarding Claim 4, Balnaves also discloses, "method according to claim 1 in which the recorded data sequence is a temporarily stored data sequence, and the method further comprises storing the marked sub ranges of the temporarily stored data sequence". Specifically, Balnaves stores the media input in ram while processing it (Fig 7, nodes 716).

Regarding Claim 5, Balnaves also discloses, "method according to claim 4, further comprising storing the marked sub ranges on a permanent or semi-permanent storage medium" (Fig 7, nodes 716: 728).

Regarding Claim 6, Balnaves discloses "a method of selecting a part of an audio or video program". Specifically, Balnaves taking media input mapping it to a temporal structure (Balnaves, Fig 1) and marking it (Balnaves, Fig 6B).

Balnaves also discloses, "displaying a representation of the program". Specifically, Balnaves shows a display representation in Fig 6A-B (Balnaves, Fig 6A-B). Furthermore, Balnaves discloses a video display to display the representation of the recorded sequence (Balnaves, Fig 7: node 704).

Balnaves also discloses "moving a pointer to a first position in the representation" (Fig. 6A).

Balnaves also discloses "executing an expand function for marking the part of the program extending from the first position to the end of the representation" Balnaves discloses the user may indicate a point or approval or disapproval, and this point information may be inferred to indicated an entire segment of the output production, said segment typically being extrapolated from said point by means of finding the nearest forward and backward content boundaries (transitions) or effects, or by applying a heuristically determined timestep forward and backward from 625 (Balnaves, col 13, ln 30-40).

Balnaves also discloses "moving the pointer to a second position in the marked part of the program". Balnaves discloses the user may indicate a point or approval or disapproval, and this point information may be inferred to indicated an entire segment of the output production, said segment typically being extrapolated from said point by means of finding the nearest forward and backward content boundaries (transitions) or effects, or by applying a heuristically determined timestep forward and backward from 625 (Balnaves, col 13, ln 30-40).

Balnaves also discloses "executing a truncate function for defining as not marked the part of the program extending from the second position to the end of the representation". Balnaves discloses the user may indicate a point or approval or disapproval, and this point information may be inferred to indicated an entire segment of the output production (Balnaves, col 13, ln 30-40).

Furthermore, Balnaves discloses indicating a preference for the inclusion of a particular clip of a known duration (Balnaves, col 13, ln 45-50).

Regarding Claim 7, Balnaves discloses, "recording device comprising a data buffer, a recording unit for storing data on a medium". Specifically, Balnaves discloses a recording device (Fig 5) and inherently included in any I/O interface is a data buffer (Balnaves Fig 7).

Balnaves also discloses "a processor connected to the data buffer and the recording unit". Specifically, Balnaves discloses processor connected to an I/O interface, which inherently includes a data buffer (Balnaves, Fig. 7).

Balnaves also discloses "the processor being arranged for displaying a representation of a recorded data sequence stored in the data buffer and receiving user inputs for activating functions". Specifically, Balnaves discloses a processor that can display (Fig 7, node: 704), store data sequences in memory (Fig 7, node: 715) and receive inputs (Fig 7, node: 706 –708).

Balnaves also discloses "a first function selects a range of data based upon a positioning a pointer between a range start point and a range end point" (Fig 6A: node 605).

Balnaves also discloses, "the processor further dividing the range into a first sub range and a second sub range" (Fig 6A: node 606-607).

Balnaves also discloses "the first sub range comprising the data from the range start point to the pointer" (Fig 6A: node 606).

Balnaves also discloses "the second sub range comprising the data from the pointer to the range end point" (Fig 6A: node 607).

Balnaves also discloses, " if the pointer is in a range of unmarked data and a first function input is received, unmarking the first sub range and marking the second sub range". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Balnaves also discloses "if the pointer is in a range of marked data and a second function input is received, marking the first sub range and unmarking the second sub range". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Regarding Claim 8, Balnaves also discloses, "recording device according to claim 7, wherein the processor inverts marked and unmarked sub ranges if the first or second function is received a second time with the pointer at the same position as a first time". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45).

Regarding Claim 9, Balnaves also discloses, "recording device according to claim 7, wherein the processor marks both sub ranges when the first or second function is selected a third time with the pointer at the same position as the first and second time". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45).

Regarding Claim 10, Balnaves also discloses, "recording device according to claim 7, wherein the first function input is received from a dedicated expand key, and the second function input is received from a dedicated truncate key". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45).

Regarding Claim 11, Balnaves also discloses, "recording device according to claim 7, wherein the first function input and the second function input are received from a single input key". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). A user interaction could be an input from the keyboard, which could be mapped to applying a specific template to alter the recording.

Regarding Claim 12, Balnaves also discloses, "recording device according to claim 7, wherein the recorded data sequence is a temporarily stored data sequence, and the processor stores the marked sub ranges of the temporarily stored data sequence". Specifically, Balnaves stores the media input in ram while processing it (Fig 7, nodes 716).

Regarding Claim 13, Balnaves also discloses, "recording device according to claim 12, wherein the processor stores the marked sub ranges on a permanent or semi-permanent storage medium using the recording unit" (Fig 7, nodes 716: 728).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amiot et al., US 5,781,188: Indicating Activeness of Clips and Applying Effects To Clips and Tracks In a Timeline of a Multimedia Work.

Jun, US 6,931,594: Multi-Level Position Designating Method for A Multimedia Stream

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashraf Zahr whose telephone number is 571-270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ
2/5/08